761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: February 23, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: ERIC K. HAMILTON, CAPTAIN
COMPTON STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, NOVEMBER 13, 2003,REVIEW #SH2104168**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 13, 2003.

The Committee met on February 23, 2006 and consisted of Commanders Kenneth Brazile (Commander of the Department), Eric Smith (Leadership and Training Division) and Thomas Angel (FOR III). The Committee determined the use of force by Deputies Jennifer Barsh #[redacted] Daniel Drysol #[redacted] and Scott Gage #[redacted] was within Department policy.

Please advise the deputies of this finding.

JGJ:MAH:mh

Table of Contents

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 11/13/03	Bureau/Station/Facility: IAB	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 003-16194-2851-013	Date: 11/13/03 Time: 1937
City or Station: COMPTON	Nature of Incident: OFFICER INVOLVED SOOTING
Location: 4263 E. COMPTON BL.. RANCHO DOMINGUEZ HILLS, 90222	

Location Type (*circle one or more*):
Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street**, Other: ______

Lighting (*circle only one*):
Darkness, Daylight, Other, **Street Lights**

Weather (*circle only one*):
Clear, Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*):
Accidental, Armed Person, Fleeing Suspect, **Foot Pursuit**, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, **Struggle Involved**, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*):
Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*):
Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy: 32

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name / Street Address	City	First Name / Zip Code	Work Ph	M.I. / Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	MILLER	RALPH	E.	**On Duty**; Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	COOPER	HOWARD	J.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	RODRIGUEZ	JOHN	L..

PSTD Use Only

SH # 210416 8

SH-R-438A rev. 3/97

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/13/03	2045		

Employee #	Last Name	First Name	M.I
[redacted]	JENNINGS	RICKY	
[redacted]	KEY	GREGORY	L
[redacted]	STUNSON	DAVE	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	DH	CH
E#2	S#1	FH	BR	9	Y	Y	DH	CH
E#3	S#1	FH	BR	9	Y	Y	DH	CH
E#4	S#1	FH	BR	9	Y	Y	DH	CH
S#1	E#1	FH	RM	38			NN	
S#1	E#2	FH	RM	38			NN	
S#1	E#3	FH	RM	38			NN	
S#1	E#4	FH	RM	38			NN	

See Front Side

Officer Involved Shooting
Involved Employee Information



URN: 003-16194-2851-013

Involved Employee

E 1

Employee # [redacted]	Last Name MOLNER	First Name BRADD	M.I. A
Sex: M Race: W	Rank DEPUTY	Unit Assignment: COMPTON	Work Assignment (Unit #, Module, etc.): PATROL
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 6	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 601 Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name GAGE	First Name SCOTT	M.I. W
Sex: M Race: W	Rank DEPUTY	Unit Assignment: COMPTON	Work Assignment (Unit #, Module, etc.): PATROL
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 601 Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: none
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 3

Employee # [redacted]	Last Name DRYSOL	First Name DANIEL	M.I. J
Sex: M Race: W	Rank DEPUTY	Unit Assignment: COMPTON	Work Assignment (Unit #, Module, etc.): PATROL
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 6-8 hrs,	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 511 Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

Officer Involved Shooting
Involved Employee Information



URN: 003-16194-2851-013

Involved Employee

E 4

Employee # [redacted]	Last Name BARSH	First Name JENNIFER	M.I. L
Sex: F Race: W	Rank DEPUTY	Unit Assignment: COMPTON	Work Assignment (Unit #, Module, etc.): PATROL
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: / Age: [redacted] Height: 507 Weight: 135	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: / Age: Height: Weight:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: / Age: Height: Weight:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 003-16194-2851-013

Suspect Information

S 1

Last Name: REYES		First Name: MAXIMINO	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: 26 D.O.B. 081777	Height: 503 Weight: 180	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge: 664/187 pc	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2003-08555	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED [redacted] HIT SHOOTING
IAB SH 2104168
URN: 003-16194-2851-013

On Thursday, November 13, 2003, at 2030 hours, Sergeants Gregory Key and Dave Stunson and Lieutenant Rickey Jennings of the Internal Affairs Bureau responded to 4263 East Compton Boulevard, East Rancho Dominguez, regarding a Deputy Involved Hit Shooting, which involved Compton Station personnel. The following personnel also responded: Attorney Rob Miller from the Office of Independent Review, Investigators [redacted] and Bill Penzin from the District Attorney's Office, Lieutenant Shaun Matthews from Risk Management Bureau, Deputy Anthony Haynes from Civil Litigation, Deputy Mark Caron from Force Training.

SUMMARY

On Thursday, November 13, 2003, at approximately 7:37 P.M. hours, Compton Station Deputies Bradd Molner, Daniel Drysol, Scott Gage, and Jennifer Barsh were working bicycle patrol. All four deputies were dressed in the standard Sheriff's Department Bicycle Patrol uniform with yellow helmet and sheriff department insignias displayed on their shirts. Additionally, all four deputies were riding Department issued bicycles, which were marked with police identifiers.

The deputies were on bicycle patrol in the area of Rose Street and White Avenue, in East Rancho Dominguez (unincorporated area of the county of Los Angeles). Deputy Molner observed Suspect Reyes riding a bicycle north on White Avenue, on the west sidewalk. The suspect did not have a light on his bicycle. Deputy Molner rode behind the suspect, turned on his forward light and told the suspect to stop. The suspect looked at Molner and began peddling faster. Deputy Molner repeated his order to stop in Spanish. The suspect refused to stop. All four deputies pursued the suspect.

The suspect continued riding his bicycle north and crossed Compton Boulevard, colliding into a parked vehicle on the north side of the street, causing him to fall off of his bicycle. Suspect Reyes then ran west on the north sidewalk of Compton Boulevard. Deputy Drysol got off of his bicycle and pursued the suspect on foot. Deputy Molner rode his bicycle next to Suspect Reyes and grabbed his shoulder. When the suspect refused to stop running, Molner grabbed him with both hands and fell from his bicycle. Reyes broke free from Molner and stumbled forward. Molner, who was on his knees attempting to stand up, saw Reyes regain his balance, spin around and face him. Reyes yelled out in Spanish, crouched down and using both hands pointed a handgun at Molner. Molner yelled' "Gun" and fired at the suspect. Simultaneously, the other three deputies also fired at the suspect. The suspect was struck multiple times.

Suspect Reyes fell to the ground and began rolling around, still holding the gun. Deputy Molner continued firing. The suspect released his weapon and attempted to crawl beneath a truck, which was parked near him. Deputy Drysol, Barsh, and Gage approached the suspect, while Molner broadcasted

the deputy involved shooting, via his handheld radio, and requested rescue respond.

Deputy Barsh and Gage holstered their weapons and approached the suspect in order to handcuff him. Drysol provided security and continued to hold the suspect at gunpoint. The suspect began struggling with Barsh and Gage, refusing to let them handcuff him. When Drysol approached the suspect in order to assist them in controlling him, the suspect reached up and grabbed Drysol's gun. A struggle ensued and Drysol fired one round, striking the suspect. The suspect continued to resist the deputy's efforts but was eventually handcuffed. The suspect was transported to Saint Francis Medical Center and was later pronounced dead.

INVOLVED PERSONNEL

GAGE, Scott, Deputy #[redacted]
Field Operations Region II
Compton Station

Work History

GAGE, Scott
Date of Employment: 04/05/91
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

MOLNER, Bradd, Deputy #[redacted]
Field Operations Region II
Compton Station

Work History

MOLNER, Scott
Date of Employment: 12/20/90
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

DRYSOL, Daniel, Deputy #[redacted]
Field Operations Region II
Compton Station

Work History

DRYSOL, Daniel
Date of Employment: 01/19/94
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

BARSH, Jennifer, Deputy #[redacted]
Field Operations Region II
Compton Station

Work History

BARSH, Jennifer
Date of Employment: 04/15/99
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

REYES, Maximino MH/25 **DECEASED** 5'06" 180

Arrest History: Information in the Consolidated Criminal History Reporting System (CCHRS)

[redacted]

CIVILIAN WITNESS

The area was canvassed for witnesses. Although several people heard gun fire, none witnessed the incident.

PHYSICAL EVIDENCE:

The suspect's weapon was laying on the north sidewalk in front of a business, located at 4263 E. Compton Blvd. Several 9mm shell casings were located at the scene. **Refer to Exhibit A - Crime Lab's report Pages 18-30 for the list of physical evidence and the location of the shell casings. See page 60 for the Scene Diagram.**

INVESTIGATOR OBSERVATIONS:

While at the incident scene, I observed numerous shell casings on the north sidewalk of Compton Boulevard and surrounding area. I also observed the suspect's firearm laying on the north sidewalk in front of [redacted]

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Molner fired thirteen rounds from his duty weapon: Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]Z.

Deputy Drysol fired thirteen rounds from his duty weapon: Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]Z.

Deputy Gage fired four rounds from his duty weapon: Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]Z.

Deputy Barsh fired four rounds from her duty weapon: Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]Z.

All weapons were examined, test fired, and found to be functional by Firearms Examiner Edward J. Anderson. **Refer to Exhibit A, Pages 47 through 49 for the Firearms Examiner Report.**

WEAPONS USED BY SUSPECT:

Suspect Rodriguez' weapon was a Rohm, 38 Special, 38 caliber, serial number [redacted] Revolver handgun, which contained six live rounds of 357 Magnum caliber ammunition. All six rounds exhibited light firing pin impressions on the primers. Impact and strike marks were also observed to the head stamp area of each round.

The suspect's weapon was examined and test fired, by Firearms Examiner Edmund J. Anderson. The revolver exhibited a tight cylinder to frame fit. The cylinder extractor rod was bent and the revolver was also missing the hammer safety. The cylinder failed to consistently lock up when the trigger was pulled in both single and double action modes causing intermittent misfires during test firing. **Refer to Exhibit A, Page 46, for Firearms Examiner Report and pages 52 through 55 for photographs of the weapon.**

INJURIES
The suspect sustained multiple gunshots and is deceased. **See Exhibit A - page 87** **INJURIES**
Deputy Molner had abrasions on his right knee. Deputy Drysol also complain of abrasions to his right knee.

PROPERTY DAMAGE:
Nearby properties sustain impact impressions from rounds fired.

CRIMINAL INVESTIGATOR/CHARGES FILED:
Homicide Bureau Detectives:
SERGEANT KENT WEGENER #[redacted]
INVESTIGATOR SCOTT FINES #[redacted]

On March 16, 2005, Los Angeles County Deputy District Attorney William Penzin, from the Los Angeles District Attorney's Justice System Integrity division, issued a letter of opinion regarding the Officer Involved Shooting, involving Deputies Bradd Molner, Daniel Drysol, Scott Gage and Jennifer Barsh of the Los Angeles County Sheriff's Department, which resulted in the death of Maximino Reyes.

In conclusion, Deputy Penzin stated that the deputies acted reasonably and lawfully in self-defense when they used deadly force against Reyes. The District Attorney's Office is taking no further action in this matter.

LIGHTING AND WEATHER CONDITIONS:
This incident occurred during the night time hours. The weather was cool and cloudy. The area was well lit with nearby street lights on both sides of the street.

INVOLVED EMPLOYEES' STATEMENTS

DEPUTY BRADD MOLNER
On November 14, 2003, Deputy Bradd Molner was interviewed by LASD Homicide detectives (**Exhibit A, pages 31-32**). On January 10, 2006, Internal Affairs Bureau Sergeants Gregory Key and Leonard McCray interviewed Deputy Molner. The interview was tape recorded. Both interviews state substantially the same and are summarized as follows:

Deputy Molner stated that on November 13, 2003, he was assigned to Compton station and worked the P.M. shift patrol bicycle team. Including himself, the team consisted of four deputies: Deputy Daniel Drysol, Deputy Scott Gage, and Deputy Jennifer Barsh. Deputy Molner stated that he had previously completed [redacted].

Deputy Molner said that while on patrol in the area of Rose Street and White Avenue, he observed a male Hispanic (Suspect Maximino Reyes) riding his bicycle on the west sidewalk of White Avenue. Additionally, it was the evening hours and the suspect had no light on his bicycle. Molner said that he was on the east side of the sidewalk and was approximately fifty yards behind the suspect when he first noticed the violations. He stated that he caught up to the suspect and was approximately five to eight feet behind him when he activated his forward light. He told the suspect to stop several times, in both English and Spanish. The suspect looked back at Molner and started peddling faster. Molner said that all four deputies then pursued the suspect on their Department issued police bicycles.

IAB NOTE: Deputy Molner said that the bicycle pursuit was not broadcast. He stated that he could not hold the radio and ride the bicycle with one hand while in a pursuit. He further stated that the bicycle pursuit lasted ten seconds or less and covered a distance between seventy-five and one-hundred yards.

Deputy Molner said that Suspect Reyes rode his bicycle onto the street and continued riding north on White Avenue. Molner stated that they continued pursuing the suspect for the traffic violations and for fleeing. Molner said that the suspect continued fleeing north on White Avenue and crossed Compton Boulevard, riding in a north easterly direction. Molner stated that he observed the suspect collide with a vehicle which was parked at the north curb line of the westbound lanes. Molner said that the suspect jumped off of his bicycle and began running westbound on the north sidewalk of Compton Boulevard. Molner said that he rode his bicycle onto the north sidewalk of Compton Boulevard and continued pursuing the suspect on his bicycle. He stated that the suspect ran approximately fifteen yards before he (Molner) caught up with the suspect, grabbed the suspect's left shoulder with his right hand, and applied the brake with his left hand. Molner said that as the suspect continued running, he began to lose his balance. He attempted to grab the suspect with both hands and drag him to the ground, but fell from the bicycle. As he did so, the suspect broke free of his grasp and stumbled forward (west). Molner said that he fell onto a grassy area and slid on his legs.

Molner stated that he thought the suspect was going to continue running, but instead, he saw Suspect Reyes regain his balance, turn and face him. Molner said that Reyes, who was now holding a handgun with both hands, crouched down in a combat style stance and pointed the handgun at him. Molner stated that Reyes was standing approximately six to eight feet from him and slightly offset to the south. Molner, who was still on the ground, said he feared he was going to be shot. He yelled, "gun" and fired at the suspect. Molner stated that he also heard his partners fire their weapons. Molner said that Suspect Reyes fell, and began rolling on the ground with his arm extended, still holding the firearm. Molner stated that he continued firing at the suspect. Molner said that while firing he saw sparks hit the sidewalk. He felt that he was firing to low and adjusted his aim. Molner stated that the suspect then dropped his weapon; however, he did not see any blood and was not sure the suspect had been hit.

IAB NOTE: Molner said that his backdrop was parked cars.

Deputy Molner said that he continued to cover the suspect as his partners approached and attempted to handcuff him. Molner stated that while his partners contacted the suspect, he broadcast the officer involved shooting and requested rescue to respond, via his handheld radio. Molner stated that he saw Deputy Drysol with his weapon out, but does not recall if Deputies Barsh and Gage had their weapons drawn. He observed Deputies Barsh and Gage each take one of the suspect's arms and attempt to handcuff the suspect and saw the suspect resisting their efforts. Molner said that he was broadcasting the information and attempting to direct additional personnel to their location when he heard a gunshot. However, he stated that he did not see who fired the round. Molner said he saw that the suspect's weapon was approximately five-feet northwest of the suspect's position. Molner stated that additional units responded, as well as paramedics, who treated the suspect and transported him to the hospital.

IAB NOTE: During his interview with Homicide, Deputy Molner stated that approximately ten seconds passed, from the time he initially fired his weapon until the time he heard the gunshot during his partners struggle with the suspect.

DEPUTY JENNIFER BARSH

On November 14, 2003, Deputy Jennifer Barsh was interviewed by LASD Homicide detectives (**Exhibit A, pages 36-37**). On January 10, 2006, Internal Affairs Bureau Sergeants Gregory Key and Leonard McCray interviewed Deputy Barsh. The interview was tape recorded. Both interviews state substantially the same and are summarized as follows:

Deputy Barsh stated substantially the same as Deputy Molner. She added that she also ordered the suspect to stop prior to the bicycle pursuit. Barsh stated that the suspect ignored her order, looked at them, sped up, and attempted to evade them. They pursued the suspect northbound on White Avenue across Compton Boulevard until the suspect collided unto a parked car.

IAB NOTE: Deputy Barsh said that the bicycle pursuit was not broadcasted. She stated that she could not hold the radio and ride the bicycle with one hand while in a pursuit. She further stated that the bicycle pursuit lasted ten to fifteen seconds. She was unsure of the approximate distance of the pursuit.

Deputy Barsh said that because there were so many parked cars she dismounted her bicycle and began chasing the suspect on foot. She further stated that Molner continued riding his bicycle and pursued the suspect on his bicycle, westbound Compton Boulevard. Deputy Barsh said that she was approximately eight to ten feet behind the suspect and that Deputy Molner was between the suspect and her. At one point Molner reached out and grabbed the suspect's shoulder with his hand. She estimated that the distance the suspect ran from where he crashed his bicycle to where Molner grabbed him was less than fifty yards. Barsh said that as Molner fell to the ground, she remembered

seeing the suspect turn around and face her with a gun in his hand. Barsh stated the suspect took a three-point combat shooting stance and point the weapon at her. Barsh said that the suspect tried to shoot her and her partners. She said that she saw the suspect finger moving back and forth (pulling the trigger) and saw the barrel of the weapon dip downward. She heard Molner yell, "gun."She also yelled, "gun" and fearing for her safety, removed her duty weapon and fired at the suspect. She further stated that she also heard her partners fire their weapons. The suspect fell and dropped his weapon.

IAB NOTE: During her homicide interview, Deputy Barsh said that when she fired, she was approximately eight feet from the suspect and that Deputy Molner was to her right and approximately five-feet in front of her. She was unsure of Deputies Gage and Drysol's position.

IAB NOTE: When asked what her backdrop was, Deputy Barsh said that she was on the sidewalk shooting westbound. She further stated that the businesses in the area were closed and that when she fired her weapon no one was standing on the sidewalk behind the suspect.

Deputy Barsh said that the suspect began crawling on his back and attempted to crawl under a minivan. She stated that as the suspect crawled he began reaching for his waistband. They became concerned that he might possibly have another weapon and that if he was able to crawl underneath the minivan it would provide cover for him. Barsh said that they gave Suspect Reyes numerous orders to stop. She then stated that she and Deputy Drysol formulated a plan to contact the suspect. She and Deputy Gage were to contact the suspect and Drysol would be the cover person. Barsh said that Deputy Molner was broadcasting the deputy involved shooting from his hand-held radio.

Deputy Barsh said that she approached the suspect and attempted to control the left side of his body while Deputy Gage attempted to control the right. The suspect was still lying on his back and began struggling with the deputies and resisted their efforts to handcuff him. Barsh said that Deputy Drysol continued to cover the suspect with his weapon. She further stated that she and deputy Gage's weapons were holstered.

Deputy Barsh said that she and Deputy Gage continued to struggle with the suspect and did not have control over him. She then heard Deputy Drysol say he has my gun. Barsh said that she saw the suspect and Drysol struggling over Drysol's gun. Barsh said that the suspect had both of his hands on Drysol's gun and would not release it. Barsh said that she began striking the suspect's upper body with her flashlight and yelling at the suspect to release the weapon. She stated that the suspect refused to release the weapon and that the flashlight strikes appeared to have no effect. She then pulled her weapon and placed it to the suspect's head, but because of the close proximity of Deputy Gage she did not fire.

Deputy Barsh said that Deputy Drysol continued to struggle with the suspect. She then heard a gunshot and the suspect released the weapon. Barsh said that even after being shot the suspect continued squirming around, but they were then able to handcuff the suspect's hands behind his back. Barsh said that even after being handcuffed Deputy Gage had to struggle to keep the suspect from placing his hands around his waistband.

DEPUTY SCOTT GAGE

On November 14, 2003, Deputy Scott Gage was interviewed by LASD Homicide detectives (**Exhibit A, pages 33-34**). On January 12, 2006, Internal Affairs Bureau Sergeants Gregory Key and Leonard McCray interviewed Deputy Gage. The interview was tape recorded. Both interviews state substantially the same and are summarized as follows:

Deputy Gage stated substantially the same as Deputy Molner. Deputy Gage added that he was part of a bicycle team that attempted to stop Suspect Reyes for riding his bicycle on the sidewalk and for not having any lights on the bicycle while riding at night. The suspect refused to stop and fled on his bicycle northbound White Avenue and crossed Compton Boulevard. Gage said that he was behind his partners as they pursued the suspect on their bicycles.

> **IAB NOTE: Deputy Gage said that the bicycle pursuit was not broadcasted. He stated that he was fifteen to twenty yards behind his partners when the bicycle pursuit began and that it is difficult to broadcast a pursuit when you are riding hard. He further stated that there were four deputies present.**

> **IAB NOTE: Deputy Gage estimated the bicycle pursuit lasted less than a minute and that it covered a distance between one-hundred and one-hundred fifty yards. During his homicide interview he described the distance as half a block**

Deputy Gage said that as the suspect crossed Compton Boulevard he approached vehicles parked at the north curb line of Compton Boulevard. Gage said that he anticipated that the suspect might dismount his bicycle and try to run when he reached the north side of Compton Boulevard, so he began riding slightly west of the suspect. Gage stated as he approached the north curb line, he hit the curb harder than he wanted to, causing him to injure his ankle. He then observed the suspect run pass him, westbound, on the north sidewalk of Compton Boulevard. He then observed Deputy Molner ride his bicycle alongside the suspect. Gage said that Molner reached out to grab the suspect and fell.

> **IAB NOTE: Deputy Gage stated that the distance the suspect ran after colliding his bicycle into a parked vehicle until being contacted by Deputy Molner was fifteen to twenty yards.**

> **IAB NOTE: During the homicide interview Gage said Molner was on the right side of the suspect and grabbed him with his left hand.**

Gage stated that the suspect stumbled forward, so he (Gage) began to run faster thinking the suspect might attempt to engage them in a physical altercation. Gage stated that the suspect did not fall and after stumbling forward, turned toward him holding a handgun. The suspect turned from his (suspect's) left and faced Gage. Gage stated that he was less than ten yards away from the suspect. The suspect took a combat stance and pointed the handgun at him. Gage said that he feared for his safety and the safety of his partners and fired his weapon at the suspect. He also stated that he saw his partners fire their weapons. Gage said that it appeared to him the suspect pulled the trigger several times. He stated that the suspect fell and continued to hold onto his weapon in his right hand.

IAB NOTE: Deputy Gage said that when he fired, he was aware that Deputy Molner was down on his right, and that Deputy Drysol was forward and to his left and that Deputy Barsh was behind him.

Gage stated that while on the ground, the suspect crawled on his stomach and his side and attempted to crawl underneath a vehicle parked near the north curb line either on the sidewalk or in the street near the north curb line. Gage said that because the suspect still had the gun in his hand and was trying to crawl for cover he was still concerned for his safety and fired at the suspect again. Gage stated that the suspect dropped his weapon and continued trying to crawl under the parked vehicle. Gage said that his concern now was that the suspect may have another weapon and that the vehicle could provide cover for the suspect, which would place them in a dangerous situation. He said that he observed Deputy Molner on his handheld radio broadcasting the officer involved shooting. Gage said that he told his partners that they needed to handcuff the suspect. The plan was that he and Deputy Barsh would be the arrest team and Deputy Drysol would provide cover. Gage stated that he and Deputy Barsh holstered their weapons and approached the suspect. Gage said that the suspect's head was facing southwest and his feet east. He went around to the suspect's head while Deputy Drysol covered the suspect with his duty weapon.

Deputy Gage said that as he attempted to control the suspect's left arm the first thing that shocked him was how strong the suspect was and how much resistance he was able to provide. Gage said that he was unable to control the suspect's left arm. He stated that the suspect continuously tried to bring both of his hands down toward his (suspect's) waistband. Gage said that as he was struggling with the suspect he heard Deputy Drysol say, "he has my gun." Gage said that he saw that the suspect had both hands on the barrel of Drysol's gun. Gage stated that he then removed his flashlight from the rear of his pants and began striking the suspect about his shoulders and neck area. Gage said that he was lying on the ground and was unable to apply a lot of pressure to his strikes. He then saw Deputy Barsh come around to the suspect's head with her gun drawn. Gage stated that he became concerned because he believed she was going to shoot the suspect in the head and he was in a position where he was almost under the suspect. Gage said that he was unable to get out of the way and told Barsh not to shoot. Barsh then re-holstered her weapon. Gage said that he handed her his flashlight so that she could strike the suspect. He then heard a shot and the suspect's hand came off of Drysol's gun. Gage stated that they attempted to handcuff the suspect but that the suspect was still very strong and he continued to struggle with them. Gage said that he remembered thinking that the suspect must

have another weapon because he continued to struggle so hard. Gage stated that he handcuffed the suspect behind his back and that he had to pull with all his might to keep the suspect's hand away from the suspect's waistline.

Deputy Gage said that there was a lot of blood and that he became concerned about blood contamination. He stated that he told the first unit that arrived that the suspect might have another weapon and to put on gloves before he searched the suspect. No gun was found. Paramedics responded and transported the suspect to the hospital.

DEPUTY DANIEL DRYSOL

On November 14, 2003, Deputy Daniel Drysol was interviewed by LASD Homicide detectives (**Exhibit A, pages 33-34**). On January 12, 2006, Internal Affairs Bureau Sergeants Gregory Key and John Harris interviewed Deputy Drysol. The interview was tape recorded. Both interviews state substantially the same and are summarized as follows:

Deputy Drysol stated substantially the same as Deputy Molner. Drysol added that he was part of a bicycle team that attempted to stop Suspect Reyes for traffic violations. The suspect refused to stop and fled on his bicycle northbound White Avenue and crossed Compton Boulevard. Drysol said that he was three of four houses behind his partners when they contacted the suspect. The suspect began to peddle faster, turned into the street, and rode northbound White Avenue, refusing to stop. They pursued the suspect on their bicycles.

> **IAB NOTE: Deputy Drysol said that the bicycle pursuit was not broadcasted. He stated that he was fifteen to twenty yards behind his partners when the bicycle pursuit began and that it is difficult to broadcast a pursuit when riding a bicycle because you have to have both hands on the bike handle bars, making it difficult to broadcast.**

> **IAB NOTE: Deputy Drysol estimated the bicycle pursuit lasted between twenty and thirty seconds and that it covered a distance of four or five houses on White Street and the width of Compton Boulevard. During his homicide interview he described the distance as half a block.**

Deputy Drysol said that the suspect crossed Compton Boulevard and collided into a vehicle parked at the north curb line. The suspect then dismounted his bicycle and ran on the sidewalk, westbound Compton Boulevard. Drysol stated that he dismounted his bicycle and began chasing the suspect on foot, westbound Compton Boulevard. Drysol said that he dismounted because he was close to where the suspect had dismounted and because there were so many parked cars that it would have been hard for him to maneuver around them. Drysol said that while chasing the suspect he observed Deputy Molner ride his bicycle alongside of the suspect and attempt to take hold of the suspect. Drysol stated that Molner fell down and the suspect stumbled forward.

IAB NOTE: Deputy Drysol stated that the distance the suspect ran after colliding his bicycle into a parked vehicle, and then being contacted by Deputy Molner was approximately twenty-five to thirty yards.

During his homicide interview, he described the distance of the foot pursuit to where the shooting took place as approximately thirty to forty yards.

Deputy Drysol stated that he was approximately ten feet away from the suspect when the suspect turned around and faced him holding a gun. During his homicide interview he stated it was approximately twenty feet.

Deputy Drysol said that the suspect turned around and pointed a handgun at him. He then removed his firearm from his holster and fired at the suspect. Drysol stated that when he fired, he knew Deputy Molner was to his right. He said that he did not see Deputy Barsh and Deputy Gage, but knew they were to his right as well. Drysol stated that the suspect fell to the ground and began rolling from his left to his right. He said that the suspect still had the gun in his hand and it appeared that he was trying to get up. Drysol said that he fired at the suspect again. He stated that the suspect then dropped the weapon. Drysol said that at this point, the suspect was on the sidewalk, lying on his back, with his head facing northwest. Drysol stated that he was now standing fifteen to twenty feet southeast of the suspect. He said that the suspect rolled to his right side and began crawling to the north curb line toward a truck.

IAB NOTE: During his homicide interview, Deputy Drysol said that during the shooting Deputy Gage and Barsh were behind him.

Deputy Drysol stated that the suspect's weapon was laying north of the suspect. He said that Deputy Molner began broadcasting the shooting. He further stated that at Deputy Gage's direction, Gage and Deputy Barsh went to handcuff the suspect while he provided cover. Drysol said that both Gage and Barsh holstered their weapons before approaching the suspect and that Gage and Barsh approached the suspect from the suspect's left side. Drysol stated that the suspect was still attempting to crawl to the north curb line, toward a parked truck.

Deputy Drysol said that when Deputies Gage and Barsh contacted the suspect, the suspect began struggling with them and began reaching for his waistband. He said that Gage was by the suspect's head and was trying to control the suspect's upper body and right arm and Barsh was trying to control the suspect's left arm. Drysol said that he was approximately four feet away from the suspect. He stated that he noticed Gage and Barsh were unable to control the suspect and the suspect continued to move his hands toward his waistband. Drysol said that it appeared to him that Gage and Barsh were trying to move the suspect onto his stomach to handcuff him. He stated that he moved in closer in order to assist them. Drysol said that with his left hand he attempted to turn the suspect onto his stomach. He attempted to grab the suspect's right arm and the suspect lunged forward and grabbed his firearm with both hands. Drysol said that the suspect was on his back, but turned toward

his (suspect's) left and that he was on the suspect's right side toward his waist. Drysol said that the suspect lunged forward and grabbed his weapon with both hands. He yelled to his partners that the suspect had his gun. He stated that he grabbed the suspect's right arm and attempted to break it free from his weapon. He observed Deputy Gage also trying to remove the suspect's right-hand from his weapon. Drysol said that he is unsure what Barsh was doing.

Drysol said that he attempted to fire his weapon into the suspect's chest three separate times. He said that when he pulled the trigger the first two times nothing happened. Drysol felt that the suspect may have pushed the barrel back disengaging the weapon. He stated that during the struggle the suspect was able to twist the weapon toward his (the suspect's) right, and point the weapon at Deputy Gage. Drysol said that on his third attempt, he was able to fire and shoot the suspect. The suspect then released the weapon. As the suspect was lying on his left side, Drysol took control over the suspect's right hand. Drysol said that at that point he had re-holstered his weapon. He stated that even after being shot at close range the suspect continued resisting. He said that they were able to overcome his resistance and handcuffed the suspect. Paramedics then responded.

IAB NOTE: Deputy Drysol said that from the time of the initial shooting until the suspect was handcuffed was approximately forty-five seconds to a minute. He also stated that the deputies were never in a cross fire situation.

Deputy Drysol said that at the time of both shootings he felt the suspect was trying to kill him and his partners. He stated that he felt it would have not been wise to allow the suspect to get underneath the vehicle because it was possible he was still armed with a second weapon. When asked if it was his normal practice to approach a suspect with his weapon out, when that suspect is about to be handcuffed. He said yes, "if that suspect has been deemed dangerous are assaultive."

WITNESS STATEMENTS

There were no witnesses to the shooting.

SUSPECT STATEMENTS

The suspect did not make any statements.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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March 16, 2005

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 03-0886
L.A.S.D. File No. 003-16194-2851-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 13, 2003 shooting death of Maximino Reyes by Los Angeles County Sheriff's Deputies Bradd Molner, Daniel Drysol, Scott Gage, and Jennifer Barsh. We find that the Deputies acted in lawful self defense and in defense of their fellow Deputies.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Sergeant Kent Wegener on January 16, 2004. Additionally, the District Attorney Command Center was notified of the shooting at approximately 8:50 p.m. on November 13, 2003. The District Attorney Response Team, comprised of Deputy District Attorney William Penzin and District Attorney Senior Investigator [redacted] responded to the scene. We were given a briefing of the circumstances surrounding the shooting, and a walk-through of the scene.

FACTUAL ANALYSIS

On Thursday, November 13, 2003, at 7:50 p.m., four Los Angeles County Sheriff's Deputies, Bradd Molner, Daniel Dryson, Scott Gage and Jennifer Barsh were on bicycle patrol near the intersection of South White Avenue and Compton Boulevard in East Rancho Dominguez. Each deputy was dressed in the standard Los Angeles County Sheriff's Department Bicycle Patrol



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uniform, with yellow helmets and Sheriff's Department insignias displayed on their shirts. Each deputy was riding a Sheriff's Department issued bicycle, which was marked with police identifiers. The deputies observed a male Hispanic, later identified as Maximino Reyes, riding a bicycle northbound on White Avenue toward Compton Boulevard. The deputies attempted to stop Reyes for riding his bicycle at night with no light, a Vehicle Code violation. Deputy Molner rode behind Reyes, turned on his forward light and several times told Reyes to stop. Instead, Reyes stood up on his pedals and began riding faster. Deputy Barsh rode up behind Reyes and yelled "Alto," meaning "Stop" in Spanish. Reyes still refused to stop, so the deputies chased after him as he went eastbound on Compton Boulevard.

In the vicinity of [redacted] Reyes rode his bicycle into a parked car. After crashing to the pavement, Reyes jumped up and started running eastbound on Compton Boulevard. At that point, Deputy Molner stayed on his bicycle and pursued the suspect as the other three deputies dismounted their bicycles and chased after Reyes on foot. In the vicinity of 4263 Compton Boulevard, Deputy Molner caught up with Reyes, and grabbed him by the shoulders. Deputy Molner fell from his bicycle, and both he and the suspect tumbled to the ground as the other three deputies followed closely behind.

Reyes quickly got to his feet, turned toward the deputies with his legs spread wide in a combat like position, and pointed a revolver at them, which he held with both hands. At that point Reyes was about six feet away from the deputies. All four of the deputies, fearing that they were about to be killed, fired their 9mm duty handguns at Reyes. The deputies fired twenty- seven shots. Reyes fell to the ground and dropped his revolver.

Deputy Molner used his portable radio to broadcast the shooting and request medical assistance . As the other three deputies approached Reyes in an effort to handcuff him, he attempted to crawl under a truck, which was parked at the curb. Deputy Drysol was near Reyes' feet, Deputy Gage near his head, and Deputy Barsh near his right side. With their guns drawn, the deputies attempted to pull him away from the truck and position him on his stomach so that he could be handcuffed.

Deputy Drysoi, holding his gun in his right hand, used his left hand to reach for Reyes. Reyes lunged toward Deputy Drysol and grabbed the deputy's gun with his two hands. Holding onto the weapon, Reyes moved it so that the barrel was pointing toward Deputy Gage. Using his flashlight, Deputy Gage hit the suspect two times in the shoulder area, hoping to break Reyes' grip on the gun. At the same time, Deputy Barsh pointed her weapon at the suspect's head. However, fearing that she might inadvertently shoot one of her fellow deputies, Barsh did not fire her weapon. Deputy Drysol continued hitting the suspect with his left hand. With the suspect still holding onto the gun, Deputy Drysol was able to point the weapon at Reyes and fired one round, hitting him in the chest. At that point, even though he was still combative, the deputies were able to position the Reyes' hands behind his back and place him in handcuffs.



Reyes' gun, an "R G"model 38S six-shot .38 caliber blue steel revolver, was recovered three feet away from where Reyes was eventually handcuffed. The pistol contained six live rounds. An extensive examination of this weapon was conducted by Firearms Examiner Edmund J. Anderson on December 22, 2003. The cylinder extractor rod was bent and the revolver was also missing the hammer safety. The cylinder would fail to consistently lock up when the trigger was pulled in both single and double action modes, causing intermittent misfires during test firing.

Los Angeles County Fire Department Paramedics arrived and rendered medical aid to Reyes. He was transported to Saint Francis Medical Center where he was pronounced dead by Dr. Little at 8:10 p.m.

On November 16, 2003, Dr. Darryl Garber, Deputy Medical Examiner for Los Angeles County, performed the postmortem examination of Maximino Reyes. A total of seventeen expended projectiles and fragments were recovered from the suspect's body. Reyes sufferred a total of twenty five gunshot wounds. He was shot several times in his thighs, hips, and chest. The three wounds he suffered to his stomach area were potentially fatal. According to the Autopsy Report, the cause of death was ascribed to multiple gunshot wounds. Based upon the Toxicology Report submitted to Dr. Garber, traces of cocaine and amphetamines were detected in Reyes's system.

An analysis of Reyes's criminal record revealed [redacted]

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal. App. 3d 731*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions-Criminal 5.30, 5.32*

In this case, the four deputies were justified in their use of deadly force when they fired their weapons at Reyes. At first, the deputies simply pursued Reyes as they attempted to detain him for his Vehicle Code violation. It was Reyes who caused the situation to escalate into a deadly encounter when he rose from the ground, spun around, and pointed a firearm at the four deputies. Each deputy, actually and reasonably, feared for his own safety and the safety of his fellow

deputies at that point. Therefore, each deputy was justified for firing his weapon. Even after Reyes had been shot and he dropped his weapon, he continued to resist. When Reyes grabbed hold of Deputy Drysol's weapon, Deputy Drysol's shooting of Reyes in the stomach was appropriate and legally justified.

We conclude that Deputies Drysol, Molner, Barsh, and Gage acted reasonably and lawfully in self-defense when they used deadly force against Reyes. We are, therefore, closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

WILLIAM PENZIN
Deputy District Attorney
(213) 974-5099

c: Deputy Bradd Molner, #[redacted]
Deputy Daniel Drysol, [redacted]
Deputy Scott Gage, #[redacted]
Deputy Jennifer Barsh, #[redacted]